

E-FILED - 10/15/08

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RAMON ANGUIANO,)	No. C 08-0645 RMW (PR)
)	
Plaintiff,)	ORDER OF DISMISSAL
)	
vs.)	
)	
TILMAN, et al.,)	
)	
Defendants.)	
_____)	

Plaintiff, proceeding pro se, filed the instant civil rights action pursuant to 42 U.S.C. § 1983 on January 28, 2008. On May 22, 2008, the court dismissed the complaint because it was unclear whether the complaint was barred under Heck v. Humphrey, 512 U.S. 477 (1994), but granted plaintiff thirty days to amend the complaint to clarify. The court notified plaintiff that failure to amend by the designated time would result in a dismissal of the case. To date, no amendment has been received.

Accordingly, this case is DISMISSED without prejudice for failure to prosecute and to comply with a court order pursuant to Federal Rule of Civil Procedure 41(b). See Link v. Wabash R.R., 370 U.S. 626, 633 (1962); McKeever v. Block, 932 F.2d 795, 797 (9th Cir. 1991). The Clerk shall close the file and enter judgment in this matter.

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1 IT IS SO ORDERED.

2 DATED: 10/10/08

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4 RONALD M. WHYTE
5 United States District Judge
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